

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:08-CV-168-FL

## ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones, Jr., regarding the parties’ cross-motions for judgment on the pleadings. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of Magistrate Judge Jones as its own, and, for the reasons stated therein, plaintiff's motion is GRANTED, defendant's motion is DENIED, and this matter is REMANDED to the Commissioner for further proceedings consistent with the M&R.

The clerk of court is directed to close the case.

SO ORDERED, this the 22nd day of September, 2009.

*Louis W. Elsener*

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LOUISE W. FLANAGAN  
Chief United States District Judge